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TO SECSTATE WASHDC 1277
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
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E.O. 11652: GDS TAGS: PGOV, BQG

USMISSION NATO

SUBJECT: FRG/GDR SOUNDINGS: NEW VAN WELL REPORT TO ALLIES

REFS: (A) BONN 14420; (B) BONN 14141;

(C) USBER 2234; (D) USBER 2176; (E) BONN 13597

BEGIN SUMMARY: ON SEPTEMBER 7, STATE SECRETARY VAN WELL BRIEFED THE ALLIES ON THE SECOND ROUND OF FRG/GDR SOUNDINGS WHICH WERE HELD ON SEPTEMBER 2. THE MEETING BETWEEN MINISTER OF STATE WISCHNEWSKI AND GDR PERMREP KOHL LASTED THREE HOURS AND WENT INTO CONSIDERABLE DETAIL. WHILE NEITHER SIDE MADE ANY CONCESSION ON THE "FUNDAMENTAL" QUESTIONS (E.G. THE GDR REFUSED TO DISCUSS FURTHER IMPROVEMENT IN "HUMANITARIAN" QUESTIONS), KOHL INFORMED WISCHNEWSKI THAT THE GDR WAS PREPARED TO NEGOTIATE ON AND CONCLUDE AGREEMENTS IN CONFIDENTIAL

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SEVERAL OTHER AREAS. KOHL SAID HE WAS NOT AUTHORIZED TO DISCUSS THE BERLIN QUESTIONS BUT DID NOT INTERRUPT WHEN WISCHNEWSKI EXPLAINED THE FRG/SENAT POSITION ON SEVERAL OF THEM. VAN WELL SAID THAT PLANS ARE FOR A THIRD MEETING AT THE END OF SEPTEMBER AND, AS SPECIFIC TOPICS APPEAR RIPE FOR NEGOTIATION, IT IS PLANNED TO HAVE NEGOTIATIONS ON SUCH TOPICS TAKEN OVER BY FRG

PERMREP GAUS IN EAST BERLIN. VAN WELL DESCRIBED THE GDR ATTITUDE TOWARD THE TALKS AS VERY MUCH INFLUENCED BY BELGRADE. END SUMMARY

- 1. VAN WELL SAID THAT THE SECOND MEETING BETWEEN KOHL AND STATE SECRETARY WISCHNEWSKI HAD TAKEN PLACE ON 2 SEPTEMBER. IT LASTED THREE HOURS AND THE TWO WENT INTO CONSIDERABLE DETAIL. BOTH HAD NEW INSTRUCTIONS WHICH REFLECTED THE EARLIER SOUNDING. KOHL HAD SPOKEN FIRST, FOLLOWED BY WISCHNEWSKI; AND KOHL HAD THEN SPOKEN AGAIN IN REPLY TO WISCHNEWSKI'S REMARKS. THE ATMOSPHERE HAD BEEN BUSINESSLIKE. KOHL HAD MADE IT CLEAR THAT THE GDR CONTINUED TO BE INTER-ESTED IN THE CONTINUATION OF TALKS. IT WAS AGREED TO DISCUSS TRAFFIC PROBLEMS SOON, THOUGH THERE WAS NO DECISION ON THE TIME AND FORM WHICH NEGOTIATIONS MIGHT TAKE. (KOHL HAD MADE IT CLEAR THAT THE GDR WISHED TO TALK DIRECTLY TO THE FEDERAL MINISTRY OF TRANSPORT RATHER THAN WITH GAUS.) HOWEVER, WITH RESPECT TO FUNDAMENTAL OUESTIONS. THERE WAS NO CONCESSION BY EITHER SIDE. NOTABLY KOHL REFUSED TO DISCUSS, LET ALONE NEGOTIATE, ANY FURTHER IMPROVEMENT IN "HUMANI-TARIAN" QUESTIONS.
- 2. IN HIS INTRODUCTORY REMARKS KOHL HAD ONCE AGAIN LAID EMPHASIS ON THE IMPORTANCE OF THE DISCUSSIONS CONFIDENTIAL.

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FOR DETENTE AND AN IMPROVEMENT IN RELATIONS. WHILE HE SAID IT WOULD NOT BE POSSIBLE TO MAKE LARGE STEPS FORWARD IN RELATIONS BETWEEN THE TWO COUNTRIES, HE WAS OPTIMISTIC ABOUT AN IMPROVEMENT IN THOSE RELATIONS AND ASKED THAT CONCRETE STEPS BE TAKEN. ON THE QUESTION OF NATIONALITY, KOHL ONCE AGAIN ASKED THAT THE GDR NATIONALITY SHOULD BE RECOGNIZED BY THE FEDERAL REPUBLIC AND OBJECTED TO ALLEGED FEDERAL INTERFERENCE WITH THE GDR'S RELATIONS WITH THIRD STATES IN THIS MATTER. HE ASKED THAT THE FEDERAL REPUBLIC MAKE CONCRETE PROPOSALS FOR A SOLUTION TO THE PROBLEM OF NATIONALITY. HE ALSO REPEATED HIS REQUEST THAT WEINHOLD AND REHDER SHOULD BE RETURNED TO THE GDR AND THAT THE SALZGITTER CENTER SHOULD BE CLOSED.

3. ON THE TRANSIT AGREEMENT, KOHL ASKED THAT EFFECTIVE STEPS SHOULD BE TAKEN BY THE FEDERAL REPUBLIC TO PREVENT MISUSE OF THE TRANSIT ROUTES. ON POSTAL MATTERS HE ASKED FOR A FIXED FEE OF DM 85 MILLION ANNUALLY. ON EXPORT TRADE HE ASKED FOR THE REMOVAL OF LIMITATIONS AND ONCE AGAIN SAID THAT A NUMBER OF FUNCTIONS OF THE TREUHANDSTELLE SHOULD BE TRANSFERRED

TO OTHER ORGANIZATIONS. WITH RESPECT TO THE PERMANENT REPRESENTATIONS, HE PROPOSED THAT THEY SHOULD BE PUT

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ON THE SAME BASIS AS EMBASSIES. HE REPEATED HIS COMPLAINTS ABOUT THE ACTIVITIES OF THE FEDERAL PERMANENT REPRESENTATION IN EAST BERLIN AND SAID THAT IF THESE ACTIVITIES CONTINUED IT WOULD BE NECESSARY TO TREAT THE PERMANENT REPRESENTATION AS THE RUSSIANS DID EMBASSIES IN MOSCOW.

4. KOHL LISTED A NUMBER OF SUBJECTS WHICH
HE DESCRIBED AS BEING THE INTERNAL CONCERN OF THE GDR
AND THEREFORE NOT SUBJECTS FOR DISCUSSION WITH THE
FEDERAL REPUBLIC. THESE INCLUDED THE ALLEGED WORSENING
IN THE TREATMENT OF VISITORS TO THE GDR; THE REDUCTION
OF THE AGE OF GDR CITIZENS ALLOWED TO LEAVE THE GDR;
THE BALANCE OF THE 25 QUESTIONS RAISED BY GAUS ("SMALL
STEPS"); THE ROAD USAGE TAX IN EAST BERLIN; THE MINIMUM
OBLIGATORY CURRENCY EXCHANGE; PROCEDURE FOR OBTAINING
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INFORMATION ABOUT PROPERTY IN THE GDR; FAMILY REUNIFICATION; AND DENIAL OF TRAVEL AUTHORIZATION IN CASES OF FAMILY EMERGENCIES

- 5. KOHLWENT ON TO COMPLAIN ABOUT THE WAY IN WHICH THE NEGOTIATIONS ON POTASSIUM POLLUTION OF RIVERS WERE BEING HANDLED BY THE FRG.
- 6. KOHL SUGGESTED THAT A WORKING GROUP, WHICH WOULD MEET BETWEEN THE FORMAL MEETINGS OF THE BORDER COMMISSION, BE SET UP TO DISCUSS THE FINAL DOCUMENTATION ON THE QUESTION.
- 7. KOHL SAID THAT THE GDR LEADERSHIP HAD DIRECTED HIM TO STATE THAT THE GDR WAS PREPARED TO INITIATE NEGOTIA-TIONS OR CONCLUDE AGREEMENTS ON THE FOLLOWING SUBJECTS: SCIENCE AND TECHNOLOGY: LEGAL ASSISTANCE: CULTURE: VETERINARY MATTERS; NON-COMMERCIAL PAYMENTS (WITH THE PROVISO THAT NO AGREEMENTS WHICH ENTAILED FINANCIAL BURDENS FOR THE GDR WOULD BE SIGNED); IMPROVEMENT IN THE TRANSIT WATERWAYS; THE IMPROVEMENT OF THE TRANSIT AUTOBAHN AT MARIENBORN, WARTA AND HELMSTEDT; TRAFFIC DATA; FOREIGN TRADE OFFICES AND INVISIBLE SERVICES IN THE BALANCE OF PAYMENTS. NEGOTIATIONS ON THE HAMBURG AUTOBAHN CAN COMMENCE IN 1978 AS PREVIOUSLY AGREED. HE ALSO PROPOSED TALKS WITH THE FEDERAL MINISTRY OF FOREIGN TRADE ON REMOVAL OF IMPEDIMENTS TO TRADE, ON PAYMENT FOR INVISIBLES, THE STATUS OF THE GDR'S TRADE OFFICES IN THE FEDERAL REPUBLIC, COOPERATION IN THIRD COUNTRIES AND JOINT FRG/GDR VENTURES IN THE FRG. HE SAID THAT THE SWING CREDIT CEILING WAS NOT A SUBJECT FOR DISCUSSION WITH THE GDR AND THAT ANY CHANGE IN THE CEILING WAS UP TO THE CONFIDENTIAL

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FEDERAL REPUBLIC. (STATE SECRETARY VAN WELL COMMENTED THAT THE GDR CLEARLY DID NOT WISH TO APPEAR DEMANDEUR IN THIS MATTER.)

8. TURNING TO BERLIN QUESTIONS, KOHL HAD SAID THAT HE WAS NOT AUTHORIZED TO DISCUSS THE BERLIN QUESTIONS FURTHER WITH WISCHNEWSKI. THESE SHOULD BE PURSUED BY THE SENAT. (STATE SECRETARY VAN WELL COMMENTED THAT KOHL HAD NONETHELESS MADE NO ATTEMPT TO INTERRUPT WISCHNEWSKI WHEN WISCHNEWSKI LATER DEALT WITH THESE

POINTS.) ON ENERGY, KOHL REPEATED THE PROPOSALS WHICH HE HAD MADE ON 12 AUGUST, NOTING THAT QUESTIONS OF ENERGY FOR BERLIN COULD ONLY BE DISCUSSED WITH THE SENAT. HE THEN WENT ON TO SAY THAT ANYTHING BEYOND THESE POINTS COULD BEST BE DISCUSSED IN THE FORUM PROVIDED BY THE EUROPEAN CONFERENCE ON ENERGY WHICH THE SOVIET UNION HAD PROPOSED. HE REPEATED HIS EARLIER WARNINGS AGAINST TAXATION OF GDR HEAVY TRANSPORT VEHICLES PASSING THROUGH THE FEDERAL REPUBLIC. HE ENDED BY COMPLAINING OF UNSPECIFIED FEDERAL INDISCRETION AND CALLED AGAIN FOR CONFIDENTIALITY FOR THE TALKS.

9. IN RESPONSE, WISCHNEWSKI SAID ON NATIONALITY THAT IT WAS NOT POSSIBLE TO GO FURTHER THAN THE GENERAL RELATIONS TREATY BETWEEN THE FRG AND GDR. THE GDR'S REPROACH THAT THE FEDERAL GERMAN POSITION WAS NOT COMPATIBLE WITH INTERNATIONAL LAW WAS NOT JUSTIFIED. THE FEDERAL REPUBLIC DID NO MORE IN THIRD STATES THAN TO PROTECT ITS OWN LEGITIMATE INTERESTS IN ACCORDANCE WITH ITS INTERNAL LEGAL POSITION. THE FRG CLAIMED NO CITIZEN AGAINST HIS WILL. AS FOR THE STATUS OF THE PERMANENT REPRESENTATIONS, THE BASIS FOR THESE WAS IN THE GENERAL RELATIONS TREATY AND THE PROTOCOL OF MARCH 14, 1974. NEITHER SIDE SHOULD PUT IN QUESTION THE AGREED UPON PRINCIPLES REGARDING CONTACTS THROUGH THE

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PERMANENT REPRESENTATIONS, BUT THE FEDERAL REPUBLIC COULD CONSIDER HOW TO GIVE MORE WEIGHT TO THE ROLE OF THE PERMANENT REPRESENTATIONS.

10. WISCHNEWSKI THEN WENT ON TO RAISE THE VARIOUS HUMAN IMPROVEMENTS AND INSISTED THAT THE FEDERAL REPUBLIC WOULD WISH TO TALK ABOUT THESE. (VAN WELL COMMENTED THAT THE FEDERAL AUTHORITIES BELIEVED THAT THERE WAS STILL ROOM FOR DISCUSSION.) WISCHNEWSKI THEN TOLD KOHL THAT THE FEDERAL REPUBLIC WOULD MAKE ARRANGEMENTS BY 1 NOVEMBER 1977 FOR THE INERTIFICATION OF BARGES TO A LEVEL OF 10 PERCENT OXYGEN. HE SAID THAT THE BUNDESBAHN WAS PREPARED TO DISCUSS THE QUESTION OF PAYMENTS FOR ALLIED TRAINS, WHILE POINTING OUT THAT THE AUTHORITY OF THE DEUTSCHE BUNDESBAHN TO NEGOTIATE HAD BEEN EXPRESSLY LIMITED BY THE ALLIES AND THAT NO CHANGE COULD BE MADE CONFIDENTIAL

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IN THE EXISTING REGIME.

11. REGARDING THE BERLIN QUESTIONS, VAN WELL DESCRIBED THE WISCHNEWSKI/KOHL DISCUSSION BRIEFLY AND THEN SAID THAT A FULLER REPORT WOULD BE GIVEN IN THE BONN GROUP. THE BONN GROUP WAS BRIEFED LATER IN THE AFTERNOON AND THE REPORT OF THAT BRIEFING IS AS FOLLOWS:

-- WISCHNEWSKI MADE CLEAR THE FRG AND SENAT DISAPPOINTMENT OVER THE BERLIN PROJECTS. HE SAID THAT THE FRG AND SENAT HAD MADE STRENUOUS EFFORTS TO MEET THE GDR IN AS MANY POINTS AS POSSIBLE BY TAKING UP TALKS WHICH PROMISED SUCCESS. HOWEVER, THE GDR CONTINUED TO INSIST ON POSITIONS ON THE MOST IMPORTANT

POINTS WHICH HAD PREVIOUSLY LED THE BERLIN NEGOTIATIONS INTO A CUL-DE-SAC. THE FRG ATTACHED GREAT IMPORTANCE TO MAKING PROGRESS, PRECISELY IN THE BERLIN QUESTIONS, AND SAID THAT PROGRESS ON BERLIN WAS IMPORTANT BOTH IN THE FRAMEWORK OF THE FRG/GDR TALKS AND IN DEVELOPMENT OF THE RELATIONS BETWEEN THE TWO GERMAN STATES.

-- WITH REGARD TO THE NORTHERN CROSSING POINT, WISCHNEWSKI SAID THAT THE GDR POSITION DID NOT CORRESPOND TO THE DEMANDS OF TRAFFIC AND REJECTED THE GDR INSISTENCE THAT THE SENAT SHOULD MEET THE ENTIRE COST OF THE PROJECT. HE SAID THE SENAT WAS PREPARED TO BEAR A CONSIDERABLE PART OF THE COST IN THE SPIRIT CONFIDENTIAL

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OF COOPERATION WITH THE GDR DIRECTED TOWARD FINDING A SOLUTION THAT WOULD MEET THE DEMANDS OF TRAFFIC. THE GDR PROPOSAL FOR THE NORTHERN CROSSING POINT, IF IT IS ONLY FOR ZERNDORFERWEG, WOULD ONLY BE POSSIBLE IF THE GDR IS PREPARED TO DISPOSE OF THE DUCKBILL. AT THE LAST DISCUSSION, WISCHNEWSKI HAD INDICATED THE WILLINGNESS OF THE SENAT TO INCREASE THE FINANCIAL OFFERS PREVIOUSLY MADE FOR THE DUCKBILL AND TO ASSUME A GREATER SHARE OF THE COSTS OF THE NORTHERN CROSSING POINT. DISCUSSIONS ON THIS MATTER SHOULD PROCEED, IN THE VIEW OF THE SENAT AND FRG. WISCHNEWSKI SAID HE WANTED TO PUT TO THE GDR AGAIN THE PROPOSAL THAT BOTH SIDES LOOK FOR SOLUTIONS, TAKING INTO ACCOUNT THAT A CONNECTION SUITABLE FOR TRAFFIC IN WEST BERLIN SHOULD BE FOUND, SO THAT HE COULD RECOMMEND TO THE SENAT THAT NEW DISCUSSIONS BE UNDERTAKEN.

-- ON THE TELTOW CANAL, WISCHNEWSKI SAID THAT THE GDR REMARKS WERE NOT ENCOURAGING. EVERYONE KNEW THAT COMPLICATED QUESTIONS OF LAW WERE INVOLVED. THE FRG AND SENAT HAD TAKEN PAINS TO FIND A WAY TO EFFECTUATE A PROJECT WHICH WOULD BE EXTREMELY VALUABLE FOR BOTH SIDES. THE TRANSPORTATION OF DANGEROUS GOODS WOULD NOT POSE A PROBLEM. WISCHNEWSKI SAID THAT THE WESTERN SIDE HAD PROMISED GENEROUS FINANCIAL AID IN THE EXPECTATION THAT THE GDR WOULD COOPERATE IN SEEKING A SOLUTION TO THE PROBLEM OF PROCESSING OF TRAFFIC. THIS SOLUTION WOULD HAVE TO TAKE INTO ACCOUNT THE CLEAR MANDATE OF THE ALLIES TO THE SENAT AS WELL AS THE FRG/GDR TRAFFIC AGREEMENTS IN WHICH BERLIN WAS INCLUDED. REFERRING TO THE GAUS/NIER DISCUSSIONS,

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WISCHNEWSKI REMARKED THAT THE SENAT HAD NO COMPETENCE FOR SETTLEMENT OF QUESTIONS RELATING TO TRAFFIC. WISCHNEWSKI ASKED FOR INFORMATION FROM THE GDR WHICH WOULD ENABLE HIM, WITH RESPECT TO THE DISCUSSION WITH THE ALLIES, TO RECOMMEND THAT DISCUSSION BE TAKEN UP AGAIN.

-- CONCERNING THE SUEDGELAENDE AND SPANDAU LOCK, WISCHNEWSKI REFERRED TO THE PREVIOUS WISCHNEWSKI/KOHL DISCUSSION IN WHICH HE HAD INDICATED THE SENAT AND FRG WILLINGNESS TO BE FORTHCOMING ON FINANCIAL MATTERS. WISCHNEWSKI SAID HE PROCEEDED ON THE ASSUMPTION THAT TALKS ON THE SUEDGELAENDE COULD NOW BE TAKEN UP AGAIN AND HOPED THAT THE AGREEMENT ON THE SPANDAU LOCK COULD BE COMPLETED. HE WOULD RECOMMEND THAT THE SENAT INVITE THE GDR TO CONTINUE THE DISCUSSION ON SPANDAU LOCK. CONFIDENTIAL

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WISCHNEWSKI ADDED THAT THE CONTENT AND FORM OF ANY AGREEMENT WOULD REQUIRE THE CONSENT OF THE ALLIES WHO

HAD HITHERTO AGREED ONLY TO THE 1974 TALKS. THEREFORE, IT WAS CONCEIVABLE THAT THE BERLIN TALKS MIGHT BE DELAYED AND IT MIGHT BE NECESSARY TO RETURN TO THESE QUESTIONS (COMMENT: PRESUMABLY IN THE WISCHNEWSKI/KOHL CHANNEL).

- 12. VAN WELL SAID THAT KOHL AND WISCHNEWSKI HAD AGREED TO MEET FOR A THIRD TIME AT THE END OF SEPTEMBER ON A DATE YET TO BE AGREED.
- 13. VAN WELL, IN COMMENTING ON THIS ACCOUNT OF THE DISCUSSION, SAID THAT THE FEDERAL AUTHORITIES WOULD CONSIDER THE PROPOSAL FOR THE ESTABLISHMENT OF A WORKING GROUP TO DISCUSS BORDER QUESTIONS. AS THINGS LOOK NOW, TOO GREAT OPTIMISM WOULD NOT BE APPROPRIATE; BUT HE NOTED THAT WHILE KOHL HAD PUT CONSIDERABLE PRESSURE ON THE FEDERAL SIDE TO MEET THE GDR ON NATIONALITY AND CONSULAR QUESTIONS, IT HAD NOT BEEN MADE A SINE QUA NON THAT THEY SHOULD DO SO.
- 14. THE FRENCH AMBASSADOR ASKED ON WHICH TOPICS THE FEDERAL AUTHORITIES THOUGHT IT MOST LIKELY THAT AGREEMENT WOULD BE REACHED. VAN WELL RESPONDED BY REFERRING TO THE POSSIBLE MINOR IMPROVEMENTS IN ROAD AND TRAFFIC MATTERS. ON A LARGER SCALE, HE SAID THE HAMBURG AUTOBAHN WAS ALSO POSSIBLE ALTHOUGH THERE WAS A PROBLEM BECAUSE THE FEDERAL AUTHORITIES PREFERRED A SOUTHERN ROUTE (A LARGE PORTION OF WHICH WOULD BE IN THE FRG) WHILE THE GDR WANTED A NORTHERN ROUTE. NEGOTIATIONS HAD ALREADY BEGUN ON 6 SEPTEMBER ON POSTAL QUESTIONS THOUGH THE FEDERAL AUTHORITIES WERE NOT HAPPY CONFIDENTIAL.

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WITH THE NUMBER OF NEW CIRCUITS PROPOSED BY THE GDR.
HE THOUGHT THAT IT WOULD BE POSSIBLE TO COME TO SOME
AGREEMENT ON WATERWAYS. AS A PERSONAL COMMENT, VAN
WELL NOTED THAT THE BARGES NOW IN USE WERE LARGER THAN
BARGES USED TO BE AND THAT THERE WAS DAMAGE TO THE BANKS.

ON THE PERMANENT REPRESENTATION QUESTION,
THE FEDERAL AUTHORITIES THOUGHT ALSO THAT IT MIGHT BE
POSSIBLE TO CONSIDER ALLOWING KOHL MORE EXTENSIVE
OFFICIAL CONTACTS IN BONN THAN HE HAD HAD HERETOFORE,
NOTABLY WITH THE FOREIGN OFFICE.

15. THE US CHARGE ASKED WHETHER THE KOHL-WISCHNEWSKI TALKS WOULD CONTINUE AS AN UMBRELLA FOR GAUS' TALKS. VAN WELL SAID THAT IT WAS NOT INTENDED TO HAVE A CONTINUING SERIES OF TALKS BETWEEN KOHL AND WISCHNEWSKI. AS SOON AS A TOPIC WAS RIPE FOR NEGOTIATING,

GAUS WOULD ASSUME RESPONSIBILITY FOR IT, ALTHOUGH THERE MIGHT BE SOME OVERLAP WITH GAUS' TALKS. THAT BEING SAID, KOHL COULD ALWAYS ASK TO SEE WISCHNEWSKI.

16. THE UK MINISTER ASKED ABOUT THE STATUS OF THE TALKS BETWEEN MITDANK AND KUNZE IN BERLIN. VAN WELL SAID THAT THEIR NEXT MEETING HAD BEEN DELAYED UNTIL NEXT WEEK BECAUSE OF THE DELAY IN THE TALKS BETWEEN KOHL AND WISCHNEWSKI.

17. IN CONCLUSION, VAN WELL SAID THAT THROUGHOUT THE DISCUSSION IT WAS CLEAR THAT, IN CONDUCTING THE TALKS WITH THE FRG, THE GDR HAD BELGRADE IN MIND. MEEHAN

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